REMARKS

Applicant wishes to thank Examiner Dabney for the courtesy extended to Applicant's undersigned attorney during the personal interview held on August 26, 2004. The substance of the interview is substantially set forth in these remarks.

DRAWING CORRECTION

During the interview it was noted that reference number 76 in original Fig. 3 does not appear in the specification. On further study after the interview, it was noted that this reference number was erroneous, and should have been 46 instead. Note that "Fig. 3 is an exploded view of the exciter of Figure 2." Specification, ¶ 0031. The annular structure in Fig. 3 to which this reference number applies is the same as that labeled "46" in Fig. 2. This is the "voice coil assembly." Specification, ¶¶ 0036, 0037. Approval of this drawing correction is respectfully requested.

THE REJECTIONS

All of the rejections made in the first Office Action are repeated in the final Office Action. These are respectfully traversed for the reasons already of record, in addition to those that follow. Allowable subject matter is still indicated in claims 10-12, 17, 19-22 and 28-30.

Yanagishima (US 4,514,599)

Claims 1-4, 9, 14, 15, 18 and 23-27 are rejected as anticipated by Yanagishima, under 35 U.S.C. §102(b). Claims 5-8, 13 and 16 are rejected as unpatentable over at least Yanagishima under 35 U.S.C. §103(a). The basis for the rejections is the Fig. 8-10 embodiment of Yanagishima, but several of the other embodiments were also discussed during the interview.

Independent claim 1 recites an inertial exciter (for an acoustic radiator) that comprises, inter alia, a massive member and a suspension for supporting the massive member relative to the coupler (which is adapted for attachment to the acoustic radiator). Importantly, the claim specifies that "the suspension acts in a plane generally passing through the centre of mass of the massive member, thereby reducing any moment acting on the suspension."

The nature of inertial exciters was discussed during the interview. Regardless of how one might characterize any of Yanagishima's embodiments in that regard, it is clear that in any embodiments that arguably have a "suspension for supporting" the magnet assembly (massive member), the suspension is located at the *end* of the magnet assembly – well away from the center of mass of the magnet assembly. Thus, none of Yanagishima's embodiments can be said to have a suspension that "acts in a plane generally passing through the centre of mass of the massive member" as recited in claim 1. Accordingly, claim 1 is not anticipated by Yanagishima. This significant shortcoming of Yanagishima also defeats the rejections of the dependent claims, whether under §102 or §103.

Fresard (US 4,506,117)

Claims 31-45 are rejected as unpatentable over Fresard (US 4,506,117), under 35 U.S.C. §103(a). Independent claims 31 and 38 recite a loudspeaker in which the exciter is attached to the base plate in a "repeatedly engageable manner," and the base plate is attached to the acoustic radiator in a "non-repeatedly engageable manner." This is exemplified in Applicant's Fig. 4A, 4B embodiment (see ¶¶ 0048-0052 of the specification), in which the *entire* exciter (magnet assembly (48, 50, 52), coil assembly (54, 55), suspension (60)) is attachable to and detachable from the base plate 86 by means of a screw connection 90 (the base plate being secured to the panel by adhesive). Nothing of this nature is present in Fresard.

Only a portion of Fresard's exciter arguably might be repeatedly engageable with base plate 6. In the embodiment of Figs. 2 and 3, deliberate stretching of the elastomeric mount 10 arguably might dislodge the magnet assembly (11-17), but the coil former 7 (with coil 8) would remain attached to base plate 6. Similarly, in the embodiment of Figs. 4 and 5, removal of adjusting screws 27 arguably might allow removal of the magnet assembly, but the coil former 7 would remain attached to base plate 6.

As pointed out in the last Amendment, the attachment of coil former 7 to base plate 6 must enable downward as well as upward forces to be transmitted to base plate 6 by the exciter (see the description at col. 1, lines 60-68, which applies to all embodiments – see col. 2, line 65 to col. 3, line 2). The type of connection between coil former 7 and base plate 6 is

not specified, but one of ordinary skill in the art would understand that such a connection must be quite robust (e.g., a brazed connection) in order to reliably transmit vibratory energy to the base plate. Such a connection cannot be characterized as "repeatedly engageable" as claimed by Applicant.

Further, if, as suggested by the Examiner, one were to secure Fresard's base plate 6 to the panel with adhesive (instead of screws through holes 20 as disclosed) so as to make that attachment "non-repeatedly engageable," the magnet assembly of Fresard's Fig. 4,5 embodiment could not be detached from base plate 6 because the heads of the screws 27 would be permanently inaccessible, trapped between base plate 6 and the panel. This would render all parts of the exciter of that embodiment permanently attached to the base plate, in contrast to the "repeatedly engageable" attachment recited in Applicant's claims.

CONCLUSION

Applicant respectfully submits that the application is in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date AUG 2 7 2004

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